

At the hearing before the undersigned, petitioner, through counsel and for himself during a colloquy with the Court, stated that he does not want to revoke his guilty plea and that he does not want to go to trial. Petitioner has, therefore, repudiated his claim that he was prejudiced by counsel's or the prosecutor's conduct, as well as any remedy which might be granted by a successful challenge to the validity of his guilty plea. The Court through its colloquy further confirmed that petitioner understands that because he does not seek such remedies his § 2255 motion cannot be granted and will be dismissed.


CERTIFICATE OF APPEALABILITY

A certificate of appealability shall not issue absent “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2) (2000). A petitioner satisfies this standard by demonstrating that reasonable jurists would find that an assessment of the constitutional claims is debatable and that any dispositive procedural ruling dismissing such claims is likewise debatable. *Miller-El v. Cockrell*, 537 U.S. 322, 336-38 (2003); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *Rose v. Lee*, 252 F.3d 676, 683-84 (4th Cir. 2001). As reasonable jurists would not find this Court’s dismissal of petitioner’s § 2255 motion debatable, a certificate of appealability is DENIED.

CONCLUSION

In light of the foregoing, the government's motion to dismiss [DE 49] is GRANTED and petitioner's motion to vacate pursuant to 28 U.S.C. § 2255 [DE 42] is DISMISSED. A certificate of appealability is DENIED.

SO ORDERED. This the 20 day of May, 2015.



TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE